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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 9 February 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the letter of the Chairman of the Committee (S/AC.44/2005/DDA/OC.45) and the request by the expert of the Committee for clarification of some aspects of the last Hungarian report, has the honour to submit the updated and complementary report provided by the Hungarian authorities (see annex). The Mission would like to draw the attention of the Committee to the fact that both the matrix and the textual report have been updated in order to give a more comprehensive picture of the measures taken by the Hungarian authorities in implementing Security Council resolution 1540 (2004).

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Annex to the note verbale dated 9 February 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

National report of the Republic of Hungary on the implementation of UNSCR 1540

1. The unanimous adoption of Security Council Resolution 1540 (2004) on 28 April 2004 was an historic event. This was the first Security Council resolution to address the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-state actors, poses to international peace and security.

2. The Republic of Hungary has already taken a range of legislative and executive measures that ensure compliance with UNSCR 1540. Hungary continuously reviews its policies, with a view to establishing what further action may be necessary.

3. The Republic of Hungary is also fully committed to the work of the 1540 Committee in ensuring global implementation of this resolution, including – where appropriate – through providing assistance or advice to others.

4. As the Republic of Hungary is a member of the EU, reference is made to the EU Common Report that has been transmitted to the UNSC 1540 Special Committee separately. This EU report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Legislative action

5. The Republic of Hungary has a wide range of legislative measures in place to prevent the proliferation and use of WMD, including by non-state actors. The centrepieces of this legislative framework are the following:

   - The Constitution, which stipulates that the Republic of Hungary renounces war as a means of solving disputes between nations and shall refrain from the use of force and the threat thereof against the independence or territorial integrity of other states. The legal system of Hungary accepts the generally recognised principles of international law, and shall harmonise the country' s domestic law with the obligations assumed under international law. The generally accepted principles of international law such as for example the ones set out in Security Council Resolution 1540 (2004) form an integral part of Hungarian law, without any further formal incorporation. In view of the above, related domestic law regulations are to be interpreted so as to ensure the effective implementation of these principles (Constitutional Court ruling No. 53/1993).

- The acts and law-decrees incorporate the relevant international treaties into Hungarian law by promulgating them, hence making them accessible to the citizens and designating the competent authorities charged with their implementation (Law-Decree No. 12/1970 on NPT, Law-Decree No. 11/1975 on BTWC, Act CIV of 1997 on CWC);

- During the course of harmonising domestic law with the international obligations assumed by Hungary under international treaties on the non-proliferation of WMD the Hungarian Penal Code (Act IV of 1978) was amended accordingly. Under national procedures criminal law regulations are the appropriate means for penalising and thereby (inherently) *prohibiting* acts by non-state actors deemed socially harmful, potentially dangerous for the community of people. Thus the revised Penal Code forbids non-State actors the commission of acts described in detail and prohibited under the above international treaties, by classifying them punishable felonies (for details see operative paragraph 2).

- Relevant legal instruments (not a complete list):
  - Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof),
  - Act LXVI of 1996 on Nuclear Energy; Government Decree No. 114/2003 on the powers, duties and the sanctioning authorities of the Hungarian Atomic Energy Agency and on the functioning of the Atomic Energy Co-ordinating Council; Government Decree No. 89/2005 on security requirements applicable to nuclear facilities and related official functions,
  - Act XXV of 2000 on Chemical Safety; Goverment Decree No. 212/1998 on the implementaion and control of the declaration liability arising from CWC,
  - Act LXXIV of 1999 on the organisational framework and supervision of catastrophe prevention and on the containment of the fallout from serious accidents involving dangerous substances; Decree No. 61/1999 issued by the Ministry of Public Health on the protection of workers from the risks related to biological agents.

- Export control legal regime:
  - Government Decree No. 16/2004 on the licensing of the export, import, transfer and transit of military equipment and technical assistance,
  - Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies,
  - Government Decree No. 263/2004 on the control of nuclear related dual use items,
  - Government Decree No. 36/2004 on (the organisation, powers and duties of) the Hungarian Trade Licensing Office.

- EU acquis including the Treaty establishing the European Atomic Energy Community (EURATOM), the relevant regulations, transposition of directives, joint actions, common positions, codes of conduct etc.

6. Detailed responses as to how Hungary's legislative framework relates to specific issues contained in SCR 1540 are set out below.

Executive and enforcement action

7. The Inter-ministerial Committee on Non-Proliferation (ICNP) set up by Government Decision No. 2016/1999 is responsible for actions to be put into effect so as to comply with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the ICNP discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. It reviews and co-ordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments. The Committee oversees the implementation of UNSCR1540.

8. The Hungarian Trade Licensing Office (www.mkeh.hu) is the export-import licensing authority in Hungary, under the auspices of which two separate directorates (see paragraph 9 and 10) issue licenses respectively for the trading of conventional military equipment and technology, and for dual-use goods, including transit and brokering activities (Government Decree No 36/2004 on the Hungarian Trade Licensing Office).

9. The Inter-ministerial Committee on the Foreign Trade in Military Equipment (ICTME) sets policy guidelines relating to the licensing of international trade in military equipment and technical assistance. It is assisted by the Committee on the Licensing of Foreign Trade in Military Equipment, a mid-level expert's group comprising the head of the Hungarian Trade Licensing Office and representatives from a wide range of governmental departments and agencies (Government Decree No. 16/2004 on the licensing of the export, import, transfer and transit of military equipment and on technical assistance).

10. The Office of Export Control and the Prohibition of Chemical and Biological Weapons licences the export and import of dual-use products, technologies. The agency is entrusted with the implementation of Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies.

11. The Proliferation Security Initiative Committee is an expert level group co-chaired by the Ministry of Foreign Affairs and the Hungarian Trade Licensing Office. It co-ordinates the implementation of the Proliferation Security Initiative at the national level and the participation of the Republic of Hungary in international exercises organised in the framework of the PSI.

12. The Customs and Finance Guard of the Republic of Hungary assume responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action.

Encouraging compliance

13. To complement the enforcement effort, the Hungarian Trade Licensing Office undertakes regular compliance visits to Hungarian producers, exporters and academic institutes to ensure that they understand the relevant export controls, and that they are operating within the terms and conditions of their licences and are aware of the risks of the transfer of results of research on nuclear, chemical, biological and dual-use technology.

In the European Union

14. The Republic of Hungary has worked to help establish effective policies within the European Union (EU) to prevent WMD proliferation, and will continue to do so. Hungary, as member of the EU, fully supports the European Security Strategy entitled "A Secure Europe in a Better World" (adopted on December 12, 2003 by the European Council). This strategy identifies a number of threats for the next decade, one of these major threats being the proliferation of WMD. The document under the name "European Strategy against the proliferation of the WMD" adopted by the same European Council provides a fully fledged road-map for immediate and future action.

15. A separate report drafted by the European Union has been submitted to the UNSC 1540 Special Committee (European Union report on the implementation of SC resolution 1540).

International instruments

16. The Republic of Hungary is a party to the relevant international treaties, including inter alia, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Hungary signed the International Convention for the suppression of acts of nuclear terrorism done at New York on April 13, 2005 (not yet in force).

17. Hungary has concluded a Safeguard Agreement and an Additional Protocol thereto with IAEA and has ratified the Convention on the physical protection of nuclear material.

18. In addition, Hungary is a member of the following export control regimes: Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Zangger Committee, the Australia Group, and the Wassenaar Arrangement. Hungary is also a signatory to the Hague Code of Conduct on Ballistic Missiles (HCOC). The export control regimes play an important role in drawing up control lists and raising related international standards.

19. Since September 2001, the Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), the Australia Group, and the Wassenaar Arrangement have all formally adopted 'terrorism clauses' to deny terrorists access to the items they control.

These export control regimes are regularly complemented by an increased number of political exchanges to improve awareness of possible procurement attempts by terrorists.

20. Hungary lent its full support to the aims of the Proliferation Security Initiative (PSI) early on and has taken part in practical exercises organised within that framework. The PSI aims to help prevent trafficking in WMD and related material, by both state and non-state actors. The PSI Statement of Interdiction Principles, agreed at Paris on 4 September 2003, makes clear that all action will be consistent with national legislations and international legal frameworks.

21. Hungary encourages all states to align themselves with the purposes and instruments of these regimes and initiatives.

Technical Assistance to Other States

22. The Republic of Hungary recognises that some states may require assistance in implementing the provisions of this resolution within their territories. Hungary is willing to provide assistance as appropriate to the states lacking the legal and regulatory infrastructure, implementation experience needed to fulfil the provisions of UNSCR1540.

23. The Republic of Hungary has participated in outreach programmes of the international export control regimes. Hungarian experts have carried out outreach visits to several states. These visits have allowed to address issues connected with effective implementation of export controls, and provide advice on tackling the problems of transition in particular, and assistance where required.

24. Since 2005 in the framework of the Australia Group export control regime Hungary jointly with Bulgaria has been providing assistance to five countries of the Western Balkans in the field of the capacity building in regard to the legislative background and political functioning of their respective national export control systems.

Comments in relation to the specific issues contained in UNSCR 1540

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

The Government of Hungary is fully committed to this principle and does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons prohibited by international treaties. The legal system of Hungary accepts the generally recognised principles of international law, without having to formally incorporate them into Hungarian law. The above listed acts are penalised and therefore (inherently) forbidden under Hungarian criminal law. Thus perpetrators of such acts are severely prosecuted (for details see operative paragraph 2).

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Action taken:

- Promulgating Law-Decree No. 12/1970 on NPT, Law-Decree No. 11/1975 on BTWC and Act CIV of 1997 on CWC incorporated the cited international treaties into Hungarian law.

- Section 264/C of the Hungarian Penal Code (Act IV of 1978) classifies as felonies hence penalises and thereby strictly forbids non-State actors from producing, acquiring, possessing, developing, transporting arms prohibited under international treaties.

- The first two paragraphs of section 264/C read as follows: "Crimes with Weapons Prohibited by International Convention" - (1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international convention, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years.

  (2) Any person who constructs or operates a facility for the production of weapons prohibited by international convention without the authorization prescribed by law, or

inconsistent with the provisions of the authorization, or converts an existing facility for the production of such weapons, or misleads the body or person vested with authority for the authorization of the operation of such facility as prescribed by law, shall be punishable as set forth in Subsection (1).

- Under Section 261 (acts of terrorism) of the Penal Code acts of terrorism or/and financement thereof carried out by using weapons prohibited under international treaties as defined in section 264/C (see above) are severely penalised and their perpetrators are prosecuted.

- Section 261/A (breach of obligation under international law) stipulates:
(1) Any person who violates an economic, commercial or financial restriction imposed on the basis of an obligation to which the Republic of Hungary is committed under international law, if any violation of the restriction is rendered subject to punishment in another Act, is guilty of a felony punishable by imprisonment for up to five years.
(2) The punishment shall be imprisonment between two to eight years if the breach of obligation under international law is committed:
a) with violence;
b) by a public official in an official capacity.
(3) The punishment shall be imprisonment between five to ten years if the breach of obligation under international law is committed:
a) in connection with trafficking in fire arms, ammunition, explosives, destructive devices or an apparatus serving for the utilization thereof, or of any product designed for military use;
b) by force of arms.

- Other relevant sections of the Penal Code penalising and prohibiting the commission of acts related to WMD:
Section 160/A on the (wartime) use of weapons prohibited by international convention;
Section 264 on the misuse of radioactive substances;
264/A on the illegal operation of nuclear facilities;
264/B on crimes in connection with nuclear energy (for details see operative paragraph 3 b).

- Section 287 of the Penal Code penalises all violation of rules and regulations covering the trading of military equipments and services, dual use products and technologies. Reference is made to EC regulation No. 1334/2000 which established the community regime for the control of exports of dual use items and technology. It contains the relevant list of dual-use items and technology.

- The general provisions of the Penal Code stipulate that the sentence applicable to parties (perpetrators, coactors, accomplices, abettors) to a crime shall also be applied for conspirators.

Planned action:

- Hungary is considering what further action may be necessary, including taking supplememtary legal measures.

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken:

- Promulgating Law-Decree No. 12/1970 on NPT, Law-Decree No. 11/1975 on BTWC and Act CIV of 1997 on CWC incorporated the cited international treaties into Hungarian law.

- Since 1 May 2004 Hungary has been party to the Treaty Establishing the European Atomic Energy Community (Euratom), chapter 7 of which concerns nuclear safeguards. These safeguards are implemented by the European Commission, which is tasked under the Treaty with verifying that civil nuclear material in Hungary is not diverted from declared use. Part of the Euratom requirement is that operating records must be kept and produced in order to permit for accounting of these materials. The detailed record keeping requirements are set out in Commission Regulation 302/2005 (previously 3227/76) on the application of Euratom safeguards. The regulation has direct applicability in Hungary.

- The Commission maintains an Inspectorate charged with obtaining and verifying these records. Hungary submits its nuclear material accountancy reports to this Inspectorate. The inspectors of the Commission are given access to all venues, data and are free to contact any natural person in the territory of Hungary to the extent deemed necessary for verifying Hungarian compliance with non-diversion provisions.

- On March 30, 1972 the Agreement for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons was signed with the International Atomic Energy Agency (promulgated by Law-Decree No. 9/1972). In 1998 the Parties signed an Additional Protocol to the Agreement (promulgated by Act XC of 1999). It established a national record system and data control for long-term projects, research and development, as well as manufacturing and export-import activities related to nuclear fuel cycles, sites and other facilities. Hungary submits its declarations to the IAEA under the Additional Protocol based on the national record system.

- Hungary has launched a support program aimed at strengthening the IAEA's safeguards system. Several measuring devices have already been developed for the detection of fissile content of nuclear material as a result of this programme.

- Act LXXVI of 2001 promulgating the Joint Convention on the safety of spent fuel management and on the safety of radioactive waste management.

- Decree No. 39/1997 issued by the Ministry of Trade and Industry on the System of Accounting for and International Control of Nuclear Materials and on the designation of related competences introduced modifications to further improve the efficiency of registry in order to ensure compliance with the IAEA Safeguards Agreement signed in 1972. Possession, transfer/movement and production of nuclear material is closely monitored and duly recorded and registered by the competent Hungarian agencies. An inventory of records takes place once a year.

- Act CXVI of 1996 on Atomic Energy declares as an underlying principle that the Republic of Hungary shall promote the peaceful and safe use of atomic energy, through the means of international co-operation (section 3 of the Act). It sets out a comprehensive control regime with safeguards attached to it, and creates the relevant institutional framework.

- Government Decree No. 114/2003 on the powers, duties, the sanctioning authority of the Hungarian Atomic Energy Authority, and on the functioning of the Atomic Energy Co-ordinating Council.

- At the national level, the Hungarian Atomic Energy Authority, in co-operation with technical support institutes, carries out verification of all nuclear related material. Inspectors of the IAEA have regularly carried out verifications of national records since 1999. Since Hungary's accession to the Euratom in 2004, inspectors of the Community also have access to Hungarian data and facilities.

- Act XXV of 2000 on Chemical safety sets out the obligations pertaining to the registry of (accounting for), the secure storage of, the secure transport of, the secure packaging of the related dangerous substances and agents. The act transposes inter alia Council Directive 67/548 on the approximation of national provisions relating to dangerous substances and Council Directive 98/24 on the protection of workers from the risks related to chemical agents into Hungarian law.

- Decree No. 61/1999 issued by the Ministry of Public Health on the protection of workers from the risks related to biological agents foresees inter alia the registry of these items, obligatory medical supervision and control, the introduction of appropriate protective measures for industry and laboratory venues/processes dealing with biological agents.

- Government Decree No. 212/1998 on the implementation and control of the declaration liability arising from the CWC. Section 3 established the Office of Export Control and the

Prohibition of Chemical and Biological Weapons, which operates under the supervision of the Hungarian Export Licensing Agency. The Office, in its capacity as the national CWC authority, registers, controls and licences operations related to chemical agents, substances.

- Relevant Penal Code provisions:
- *Section 265. "Misuse of poison"*:
  Any person who - without proper authorization - prepares, possesses or distributes poison, or who fails to take the measures prescribed for the prevention of any illegal use of poisons or for the protection of others is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.
- *Section 281/A* (1) *"Unlawful disposal of waste hazardous to the environment"*:
  Any person who - without the authorization prescribed by law or inconsistent with the provisions of the authorization - collects, stores, handles, disposes or transports any waste containing a substance capable of:
  a) endangering human life, physical safety, health;
  b) polluting water, air, soil or causing permanent changes therein;
  c) endangering animals or plants;
  is guilty of a felony punishable by imprisonment for up to five years.
  (2) The person who deposits - without the authorization prescribed by law - any waste containing materials which are explosive, inflammable or radioactive, or dangerous for health and the environment, shall be punishable in accordance with Subsection (1).
  (3) The person who commits the crime defined in Subsections (1) and (2) through negligence shall be punishable for misdemeanor by imprisonment for up to two years.

- *Section 284 "Violation of epidemic and control regulations"*:
  (1) Any person who infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.
  (2) Any person who infringes at the time of an epidemic the rules ordered for isolation, epidemiological supervision or control, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.
  (3) Any person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or pests which are harmful to vegetation, is guilty of a misdemeanor punishable by imprisonment for up to one year, community service work, or a fine.

- EU legislation:
  - Commission regulation No. 302/2005 on the application of Euratom safeguards;
  - Council Directive No. 1967/548 on the approximation of national provisions relating to dangerous substances; Council Directive No. 1998/24 on the protection of workers from the risks related to chemical agents;
  - Council Directive No. 2000/54 on the protection of workers from the risks related to biological agents; Directive No. 1994/55 on the approximation of laws of the member

states with regard to the transport of dangerous goods by road, Directive No. 1996/49 (by rail);

- Obligations under international agreements incorporated into Hungarian law:
  - Cartegena Protocol on biosafety to the Convention on biological diversity (promulgated by Act CIX of 2004);
  - Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (promulgated by Government Decree No. 266/2004);
  - European Agreements on the transport of dangerous goods by road /ADR/, by rail /ARD/ by inland waterways /ADN, not yet in force/ - promulgated by Law Decree No. 19/1979, Decree No. 47/2005 issued by the Ministry of Economics and Transport and the latter agreement ratified by Parliament Decision No. 11/2004;

- The list of other related legislative measures:
  - Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof);
  - Government Decree No. 263/2004 on the international transfers of nuclear and nuclear dual-use items;
  - Decree No. 33/2004 issued by the Ministry of Interior on the central and local registry of radioactive substances (transposition of Euratom Directive 2003/122 on control of high-activity sealed radioactive sources and orphan sources into national law).

Planned action:

- Hungary is considering what further action may be necessary.

(b) Develop and maintain appropriate effective physical protection measures;

Action taken:

- Penalisation and thereby prohibition of acts related to physical protection are as follows (relevant excerpts from Act IV of 1978 on the Penal Code):

- Section 264 "Misuse of radioactive substances":
  (1) Any person who - without a proper authorization - produces, acquires, possesses, distributes, processes or otherwise uses a radioactive substance or preparation that is dangerous to health or the environment, or transfers it to an unauthorized person is guilty of a felony punishable by imprisonment for up to five years. (2) Any person who produces, stores, transports or disposes radioactive substance by infringing any legal obligation shall be punishable according to Subsection (1).

- Section 264/A "Illegal operation of nuclear facilities":
  (1) Any person who - without the authorization prescribed by law or inconsistent with the provisions of the authorization - operates a nuclear facility is guilty of a felony punishable by imprisonment for up to five years. (2) The person who commits the crime defined in

Subsection (1) as a part of criminal conspiracy shall be punishable by imprisonment between two to eight years.

- *Section 264/B.* "Crimes in connection with nuclear energy":
  (1) Any person who - in order to obtain the authorization prescribed by law for the use of nuclear energy - misleads the body or person vested with decision-making powers is guilty of a felony punishable by imprisonment for up to five years.(2) The person who fails to perform his obligation of notification in connection with the application of nuclear energy as prescribed by law shall be punishable by imprisonment for up to three years.

- Government Decree No. 89/2005 on security requirements applicable to nuclear facilities and related official functions.

- Act LXXIV of 1999 on the organisational framework and supervision of catastrophe prevention and containment of the fallout from serious accidents involving dangerous substances; Government Decree No. 2/2001 on the containment of the fallout from accidents involving dangerous substances.

- Obligations assumed under international treaties:
  - Convention on nuclear safety done at Vienna on September 20, 1994 (promulgated by Act I of 1997),
  - Convention on the physical protection of nuclear material done at Vienna and New York on March 3, 1980 (promulgated by Law-Decree No. 8/1987).

Planned action:

- Hungary is considering what further action may be necessary.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Action taken:

- Act XIX of 2004 on the Hungarian Customs and Finance Guard, European Community Customs Code (Council regulation /EEC/ No. 2913/92), the implementing provisions for the Community Customs Code (Commission regulation /EEC/ No. 2454/1993), Act LXXII of 2004 on the implementation of the Community Customs Code in Hungary empower agencies and officers alike with executive powers necessary for the effective detection and confiscation of prohibited items.

- Government Decree No. 17/1996 on located and confiscated radioactive and nuclear substances sets out co-ordinating procedures for authorities involved in detection,

confiscation and verification of nuclear and radioactive materials illegally possessed or trafficked.

- Section 287 of the Penal Code penalises the violation of rules and regulations covering the trading of military equipments and services, dual use products and technologies. EC regulation No. 1334/2000 which established the community regime for the control of exports of dual use items and technology contains the relevant list of dual-use items and technology. Acts penalised and (inherently) prohibited under this section: the trading of the above mentioned items or technologies, the provision or use of relevant technical assistance without an appropriate licence. Abusers of terms and conditions set out in the related licences are prosecuted.

Planned action:

- The Hungarian Customs and Finance Guard analyses its internal regulations and mechanisms to further enhance the effectiveness of the controls of foreign trade in arms and dual-use items.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Action taken:

- Hungarian legal measures covering the export control regime:

  - Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof); Government Decree No. 16/2004 on the licensing of the export, import, transfer and transit of military equipment and on technical assistance; Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263/2004 on the control of nuclear related dual use items; Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office.

  - The Hungarian Trade Licensing Office is the export-import licensing authority in Hungary, under the auspices of which two separate directorates (see next two paragraphs) issue licenses respectively for the trading of conventional military equipment and technology, and for dual-use goods, including transit and brokering activities (Government Decree No. 36/2004 on the Hungarian Trade Licensing Office).

- The Inter-ministerial Committee on the Foreign Trade in Military Equipment (ICTME) sets policy relating to the licensing of international trade in military equipment and technical assistance. It is assisted by the Committee on Licensing of Foreign Trade in Military Equipment, a mid-level expert's group comprising the head of the Hungarian Trade Licensing Office and representatives from a wide range of departments and agencies (Government Decree No. 16/2004 on the licensing of the export, import, transfer and transit of military equipment and on technical assistance).

- The Office of Export Control and the Prohibition of Chemical and Biological Weapons licences the export and import of dual-use products (Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies and Government Decree No. 212/1998);

- Government Decree No. 263/2004 on the control of nuclear and nuclear related dual use items regulates licensing procedures for the export, import and transit of nuclear material and nuclear dual use items. All applications are registered and assessed on a case-by-case basis. Licences for these types of goods are issued with the prior consent of the Hungarian Atomic Energy Authority.

- EU acquis applicable in Hungary:

  - EC dual-use Items Council Regulation (EC) 1334/2000 (last amended by Council regulation /EC/ 1504/2004),
  - Community Customs Code (Council Regulation /EEC/ 2913/92),
  - EU Code of Conduct on arms export, the updated common military list of the European Union, Common Position 2003/468/CFSP on the control of brokering,
  - EU strategy against the proliferation of weapons of mass destruction adopted on 12 December 2003.

- Government Decree No. 1/2002 on common procedures regarding the control of the road transport of dangerous goods.

- Section 287 of the Penal Code penalises the violation of rules and regulations relating to the trading of military equipments and services, dual use products and technologies. EC regulation No. 1334/2000 which established the community regime for the control of exports of dual use items and technology contains the relevant list of dual-use items and technology. Acts penalised and (inherently) prohibited under this section: the trading of the above mentioned items or technologies, the provision or use of relevant technical assistance without an appropriate licence. Abusers of terms and conditions set out in the related licences are prosecuted.

Planned action:

- All actors involved in licensing procedures continue to analyse their internal mechanisms and the functioning of the entire system to identify whether any additional measures may be required.

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

Hungary is a state party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). Hungary is also an active member of the IAEA and OPCW, and supports the continuing work by States Parties to strengthen implementation of the BTWC.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Action taken:

- Hungary is a strong supporter of effective multilateral export control regimes, and is working to raise international standards. Hungary is an active member of the Nuclear Suppliers' Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Wassenaar Arrangement and the Hague Code of Conduct on Ballistic Missiles (HCOC). Control lists of the above regimes are incorporated in the relevant national regulations. Hungary maintains and regularly updates its national export control lists.

Planned action:

- Hungary continues to work to ensure that the multilateral export control regimes respond in a timely fashion to developments.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Hungary recognises that some States may require assistance in implementing the provisions of this resolution within their territories.

Hungary is ready to share its experiences of developing and maintaining effective controls over nuclear, biological, chemical as well as dual use goods and technologies.

Operative Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Action taken:

- Participation in the implementation of EU Common Position, November 2003, on the universalisation of the main multilateral non-proliferation agreements (CWC, BTWC, NPT)

- Support to consider the Additional Protocol as a condition of supply: EU lobbying for universalisation of CSA and Additional Protocol

- Support to include the model non-proliferation clause in EU-third country mixed agreements

Planned action:

- Hungary will continue to promote the universal adoption and full implementation, and strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Action taken:

- Penalisation and thereby (implicit) prohibition under Hungarian Penal Code (Act IV of 1978) of acts committed by Non-state actors in violation of related international treaties;
- Law-Decree No. 12/1970 on Hungary's ratification and subsequent promulgation of the NPT;
- Act CIV of 1997 on Hungary's ratification and subsequent promulgation of the CWC;
- Law-Decree No. 11/1975 on Hungary's ratification and subsequent promulgation of the BTWC;
- Act LXVI of 1996 on Nuclear Energy;
- Act CIX of 2005 on the licensing of the production and provision of military technology products and services;

- Law-Decree No. 9/1972 on the conclusion of a safeguards agreement between Hungary and the IAEA;
- Act XC/1999 on the conclusion of an Additional Protocol (signed in 1998) for the application of the safeguards agreement between Hungary and the IAEA;
- Government Decree 50/2004 on Licensing of Foreign Trade in Dual-Use Goods and Technologies;
- Government Decree 263/2004 on the control of nuclear related dual use items.

Planned action:

- No further action is foreseen.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Action taken:

- Hungary continues to provide full support for the aims and activities of the IAEA, both as a state party and until September 2005 as member of the Board of Governors.

- Hungary launched a Support Programme aimed to strengthen the IAEA's safeguards system.

- Hungary also took active part in the IAEA's 93+2 programme to enhance the effectiveness and cost-efficiency of the safeguards system.

- Hungary continues to provide full support for the aims and activities of the OPCW, both as a state party and in special periods when a member of the Executive Council (e.g. between 2001-03).

- Hungary is also fully committed to strengthening the BWTC. Hungary actively participated in the development of a "follow up process" to promote negotiations on the advancement of a verification process for the convention.

Planned action:

- None at present.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken:

- Close working relationship with industry, established through government/industry committees, awareness raising seminars and workshops.

- The Government of Hungary provides advice and assistance to industry and academia in meeting their obligations stemming from Hungary's international treaty obligations.

- Information is regularly disseminated through government websites, publications and leaflets.

- The Government encourages and supports to include non-proliferation issues in curricula.

- Hungary participates in the implementation of the EU WMD Strategy the overall aim of which is to promote the fight against proliferation of weapons of mass destruction and their means of delivery.

Planned action:

- None at present.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Hungary continues to promote dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken:

- Hungary maintains regular and direct contact with other states and their respective authorities and works together with them to achieve the aims of UNSCR 1540.

- Hungary is committed to the aims of the Proliferation Security Initiative (PSI) and actively participates in co-operative actions and exercises organised in that framework.

Planned action:

- Hungary is still considering what further action may be necessary.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Hungary**

Date of Report: **February, 2006**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD		The Republic of Hungary is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC), as a **non-possessor state.**	
2	General statement on commitment to disarmament and non-proliferation	X	EU Strategy for Preventing the Froliferation of WMD	pages 3-6 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide any form of support to non-State actors	pages 3-6 of the report
4	Biological Weapons Convention (BWC)	X	Law Decree No. 11/1975	pages 1-2, 6-12 of the report
5	Chemical Weapons Convention (CWC)	X	Act CIV of 1997	pages 1-2, 6-12 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Law Decree No. 12/1970	pages 1-2 , 6-12 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Deposit 13 July 1999	pages 1-2, 6-12 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 04 May 1984, Law Decree No. 8/1987	pages 12 of the report
9	Hague Code of Conduct (HCOC)	X		pages 4 of the report
10	Geneva Protocol of 1925	X	Deposit 11 October 1952, Law Decree No. 20/1955	
11	International Atomic Energy Agency (IAEA)	X	Law Decree No. 9/1972 (IAEA Safegurads Agreement)	pages 8-9 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)		not applicable	
13	Other Conventions/Treaties	X	EURATOM Treaty, Hungary signed the International Convention for the suppression of acts of nuclear terrorism, done at New York on April 13, 2005 (not	pages 4, 8 of the report

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14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Missile Technology Control Regime (MTCR) 3. Zangger Committee (ZC) 4. Australia Group (AG) 5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative (PSI)	pages 3 and 4 of the report
15	Other	X	Model non-proliferation clause to be included in all future EU-Third country mixed agreements	page 17 of the report

OP 2 - Biological Weapons (BW)

State: **Hungary**

Date of Report: **February, 2006**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce		Law Decree No. 11/1975 promulgating the BTWC and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with Weapons Prohibited by International Convention), section 261 (Acts of Terrorism) section 160/A (Use of weapons Prohibited by International Convention) and Section 261/A (Breach of Obligation under International Law)	pages 1-2 and 6-7 of the National Report
2	acquire					
3	possess					
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use					
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					
11	finance a.m. activities				Penal Code section 261 (Acts of Terrorism) - financing acts of	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities		Law Decree No. 11/1975 promulgating the BTWC and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with Weapons Prohibited by International Convention), section 261 (Acts of Terrorism) section 160/A	
14	Other					

OP 2 - Chemical Weapons (CW)

State: **Hungary**

Date of Report: **February, 2006**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce		Act CIV of 1997 promulgating the CWC and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with Weapons Prohibited by International Convention), section 261 (Acts of Terrorism) section 160/A (Use of weapons Prohibited by International Convention) and Section 261/A (Breach of Obligation under International Law)	pages 1-2 and 6-7 of the National Report
2	acquire					
3	possess					
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use					
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					
11	finance a.m. activities				Penal Code section 261 (Acts of Terrorism) - financing acts of	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities		Act CIV of 1997 promulgating the CWC and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with Weapons Prohibited by International Convention), section 261 (Acts of Terrorism) section 160/A	
14	Other					

OP 2 - Nuclear Weapons (NW)

State: **Hungary**

Date of Report: **February, 2006**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce		Law Decree No. 12/1970 promulgating the NPT and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with weapons prohibited by international convention), section 261 (Acts of terrorism) section 160/A (Use of weapons prohibited by international convention) and Section 261/A (Breach of obligation under international law) - Penal Code Section 264 (Misuse of radioactive substances), section 264/A (Illegal operation of nuclear facilities), section 264/B (Crimes in connection with nuclear energy)	pages 1-2 and 6-7, 12 of the National Report
2	acquire					
3	possess					
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use					
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					
11	finance a.m. activities				Penal Code section 261 (Acts of Terrorism) - financing acts of	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities		Law Decree No. 12/1970 promulgating the NPT and the relevant sections of the Penal Code - for details see National Report		Penal Code section 264/C (Crimes with weapons prohibited by international convention), section 261 (Acts of terrorism) section 160/A (Use of weapons prohibited by	
14	Other					

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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: Hungary

Date of Report: February, 2006

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production		Decree No. 61/1999 issued by the Ministry of Public Health on the protection of workers from the risks related to biological agents; Act LXXIV of 1999 on the organisational framework and supervision of catastrophe prevention and containment of the fallout from serious accidents involving dangerous substances; Government Decree No. 2/2001 on the containment of the fallout from accidents involving dangerous substances; Council directives 2000/54/EC, 1994/55 EC, 1996/49/EC, Catagena Protocol on biosafety to the Convention on bilogical diversity (promulgated by Act CIX of 2004); Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (promulgated by Government Decree No. 266/2004), ADR, ADN, ADN /not yet in force/ agreements			
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production	X				
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X		X	Penal Code section 265 (Misuse of poison), section 281/A (Unlawful disposal of waste hazardous to the environment), section 284 (Violation of epidemic and control regulations)	pages 6-12 of the National Report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing/registration of facilities/persons handling biological materials	X				
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work					

16	Other legislation/ regulations related to safety and security of biological materials	X	
17	Other		

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Hungary**

Date of Report: **February, 2006**

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework: YES	National legal framework: if YES, indicate source document	Enforcement: civil/criminal penalties, and others: YES	Enforcement: civil/criminal penalties, and others: if YES, indicate source document	Remarks
1	Measures to account for production		Act XXV of 2000 on Chemical safety, Government Decree No. 212/1998 on the implementation and control of the declaration liability arising from the CWC, Act LXXIV of 1999 on the organisational framework and supervision of catastrophe prevention and containment of the fallout from serious accidents involving dangerous substances, Government Decree No. 2/2001 on the containment of the fallout from accidents involving dangerous substances, Council directives 1967/548/EC, 1998/24/EC, 1996/49/EC, Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (promulgated by Government Decree No. 266/2004), ADR, ADN, ADN /not yet in force/ agreements		Penal Code section 265 (Misuse of poison), section 281/A (Unlawful disposal of waste hazardous to the environment), section 284 (Violation of epidemic and control regulations)	pages 6-12 of the National Report
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production	X				
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X		X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X				

13	Reliability check of personnel				
14	Measures to account for/secure/ physically protect means of delivery				
15	National CWC authority		Office of Export Control and the Prohibition of Chemical and Biological Weapons (Hungarian Trade Licensing Office) - pages 13-14 of the National Report		Government Decree No 212/1998 on the implementation and control of the declaration liability arising from the CWC
16	Reporting Schedule I, II and III chemicals to OPCW	X	Act XXV of 2000 on Chemical safety, Government Decree No 212/1998 on the implementation and control of the declaration liability arising from the CWC, Council directives 1967/548/EC, 1998/24/EC, 1996/49/EC, Rotterdam Convention on the prior informed consent		Penal Code section 265 (Misuse of poison), section 281/A (Unlawful disposal of waste hazardous to the environment), section 284 (Violation of epidemic and control regulations)
17	Account for, secure or physically protect old chemical weapons				
18	Other legislation/ regulations controlling chemical materials				
19	Other				

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

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State: **Hungary**

Date of Report: **February, 2006**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	Act CXVI of 1996 on Atomic Energy, Government Decree No. 263/2004 on the international transfers of nuclear and nuclear dual use items; Government Decree No. 89/2005 on security requirements applicable to nuclear facilities and related official functions ; Government Decree No. 114/2003 on the powers, duties and the sanctioning authority of the Hungarian Atomic Energy Agency and the functioning of the Atomic Energy Coordinating Council ; Government Decree No. 33/2004 issued by the Ministry of Interior on the central and local registry of radioactive substances; Decree No. 39/1997 issued by the Ministry of Trade and Industry on the system of acccounting for and international control of nuclear materials and on the designation of related comptences; Government Decree No. 17/1996 on located and confiscated radioactive and nuclear substances; Treaty Establishing the European Atomic Energy Community (Euratom); Comm. Reg 302/2005			
2	Measures to account for use	X				
3	Measures to account for storage	X				
4	Measures to account for transport	X				
5	Other measures for accounting	X				
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport	X		X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of nuclear installations/entities/use of materials	X			Penal Code Section 264 (Misuse of radioactive substances), section 264/A (Illegal operation of nuclear facilities), section 264/B (Crimes in connection with nuclear energy)	Pages 6-12 of the National Report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority		Hungarian Atomic Energy Authority (Act CXVI of 1996 on Atomic Energy)			

16	IAEA Safeguards Agreements	X	1. Safeguards Agreement (promulgated by Law Decree No 9/1972) 2. Additional Protocol (promulgated by Act XC of 1999)	
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG	
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme	
19	Other Agreements related to IAEA		Act LXXVI of 2001 promulgating the Joint Convention on the safety of spent fuel management and on the safety of radioactive waste management	
20	Additional national legislation/regulations related to nuclear materials including CPPNM		Act I of 1997 promulgating the Convention on Nuclear Safety done at Vienna on September 20, 1994	
21	Other		Convention on the physical protection of nuclear material done at Vienna an	

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **Hungary**

Date of Report: **February, 2006**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof); Government Decree No. 16/2004 on the licensing of the export, import transfer and transit of military equipment and on related technical assistance; Government Decree No 50/2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263/2004 on the control of nuclear related dual use items; Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office; Government Decision No. 2016/1999 on the Inter-ministerial Committee on Non-proliferation (ICNP); Council regulations (EC) 1334/2000, EU Code of Conduct on arms export, common military list of the EU, Common Position 2003/468/CFSP on the control of brokering; - Act XIX of	X		
2	Technical support of border control measures			X		
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X				
4	Enforcement agencies/authorities			X		
5	Export control legislation in place	X		X		
6	Licensing provisions	X		X		

7	Individual licensing	X	the control of brokering; - Act XIX of 2004 on the Hungarian Customs and Finance Guard; European Community Customs Code, its implementing provisions/Council regulations No. 1992/2913, No. 1993/2454/, Act LXXII of 2004 on the implementation of the Community Cus		Penal Code section 287 (Infringement of obligations relating to the trading of internationally controlled products and technologies) - Act XIX of 2004 on the Customs and Finance Guard	pages 12-15 of the National Report
8	General licensing					
9	Exceptions from licensing	X				
10	Licensing of deemed export/visa					
11	National licensing authority	X	Trade Licensing Office (Government Decree No. 36/2004 on the powers			
12	Interagency review for licenses	X	Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof), Government Decree No. 16/2004 on the licensing of the export, import transfer and transit of military equipment and on related technical assistance; Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263/2004 on the control of nuclear related dual use items, Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office, Government Decision No. 2016/1999 on the Inter-ministerial Committee on Non-proliferation (ICNP), Council regulations (EC) 1334/2000, EU Code of Conduct on arms export, common military list of the EU, Common Position 2003/468/CFSP on the control of brokering; - Act XIX of 2004 on the Hungarian Customs and	?		
13	Control lists	X				
14	Updating of lists	X				
15	Inclusion of technologies	X				
16	Inclusion of means of delivery	X				
17	End-user controls	X		X		
18	Catch all clause					
19	Intangible transfers					
20	Transit control	X				
21	Trans-shipment control					
22	Re-export control					
23	Control of providing funds					

24	Control of providing transport services		Finance Guard; European Community Customs Code, its implementing provisions /Council regulations No 1992/2913, No. 1993/2454/, Act LXXII of 2004 on the implementation of the Community Cus			
25	Control of importation	X		X		
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: Hungary

Date of Report: February, 2006

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof), Government Decree No. 16/2004 on the licensing of the export, import transfer and transit of military equipment and on related technical assistance; Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263/2004 on the control of nuclear related dual use items; Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office; Government Decision No. 2016/1999 on the Inter-ministerial Committee on Non-proliferation (ICNP); Council regulations (EC) 1334/2000, EU Code of Conduct on arms export, common military list of the EU, Common Position 2003/468/CFSP on the control of brokering; - Act XIX of 2004 on the Hungarian Customs and Finance Guard; European Community Customs Code, its Trade Licensing Office (Government Decree No. 36/2004)	X		
2	Technical support of border control measures			X		
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X				
4	Enforcement agencies/authorities			X		
5	Export control legislation in place	X		X		
6	Licensing provisions	X		X		
7	Individual licensing	X				
8	General licensing					
9	Exceptions from licensing	X				
10	Licensing of deemed export/visa					
11	National licensing authority	X			Penal Code section 287 (Infringement of obligations relating to	

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12	Interagency review for licenses	X	Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof); Government Decree No. 16/2004 on the licensing of the export, import transfer and transit of military equipment and on related technical assistance, Government Decree No 50/2004 on the licensing of foreign trade in dual-use goods and technologies, Government Decree No. 263/2004 on the control of nuclear related dual use items, Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office, Government Decision No. 2016/1999 on the Inter-ministerial Committee on Non-proliferation (ICNP), Council regulations (EC) 1334/2000, EU Code of Conduct on arms export, common military list of the EU, Common Position 2003/468/CFSP on the control of brokering, - Act XIX of 2004 on the Hungarian Customs and Finance Guard, European Community Customs Code, its implementing provisions /Council regulations No 1992/2913, No 1993/2454/, Act LXXII of 2004 on the implementation of the Community Cus		(Infringement of obligations relating to the trading of internationally controlled products and technologies) - Act XIX of 2004 on the Customs and Finance Guard	pages 12-15 of the National Report
13	Control lists	X				
14	Updating of lists	X				
15	Inclusion of technologies	X				
16	Inclusion of means of delivery	X				
17	End-user controls	X		X		
18	Catch all clause					
19	Intangible transfers					
20	Transit control	X				
21	Trans-shipment control					
22	Re-export control					
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X		X		
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: Hungary

Date of Report: February, 2006

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Act CIX of 2005 on the licensing of the production and provision of military technology products and services (and the implementing Government Decree thereof); Government Decree No. 16/2004 on the licensing of the export, import transfer and transit of military equipment and on related technical assistance; Government Decree No. 50/2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263/2004 on the control of nuclear related dual use items; Government Decree No. 36/2004 on the powers and duties of the Hungarian Trade Licensing Office; Government Decision No. 2016/1999 on the Inter-ministerial Committee on Non-proliferation (ICNP); Council regulations (EC) 1334/2000, EU Code of Conduct on arms export, common military list of the EU, Common Position 2003/468/CFSP on the control of brokering; - Act XIX of 2004 on the Hungarian Customs and Finance Guard; European Community Customs Code the implementing provisions thereof	X		
2	Technical support of border control measures	X		X		
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X				
4	Enforcement agencies/authorities			X		
5	Export control legislation in place	X		X		
6	Licensing provisions	X		X		
7	Individual licensing	X				
8	General licensing					
9	Exceptions from licensing	X				

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10	Licensing of deemed export/visa		/Council regulations: No. 1992/2913 and No. 1993/2454/, Act LXXII of		Penal Code section 287 (Infringement of obligations relating to the trading of internationally controlled products and technologies) - Act XIX of 2004 on the Customs and Finance Guard	pages 12-15 of the National Report
11	National licensing authority	X	Trade Licensing Office (Government Decree No. 36/2004 on the powers	X		
12	Interagency review for licenses	X	Act CIX of 2005 on the licensing of			
13	Control lists	X	the production and provision of			
14	Updating of lists	X	military technology products and services (and the implementing			
15	Inclusion of technologies	X	Government Decree thereof); Government Decree No. 16/2004 on			
16	Inclusion of means of delivery	X	the licensing of the export, import transfer and transit of military			
17	End-user controls	X	equipment and on related technical assistance; Government Decree No.	X		
18	Catch all clause		50/2004 on the licensing of foreign trade in dual-use goods and			
19	Intangible transfers		technologies; Government Decree No. 263/2004 on the control of			
20	Transit control	X	nuclear related dual use items; Government Decree No. 36/2004 on			
21	Trans-shipment control		the powers and duties of the Hungarian Trade Licensing Office; Government Decision No. 2016/1999			
22	Re-export control		on the Inter-ministerial Committee on Non-proliferation (ICNP); Council regulations (EC) 1334/2000, EU			
23	Control of providing funds		Code of Conduct on arms export, common military list of the EU,			
24	Control of providing transport services		Common Position 2003/468/CFSP on the control of brokering; - Act XIX of			
25	Control of importation	X	2004 on the Hungarian Customs and Finance Guard; European Community Customs Code the	X		
26	Extraterritorial applicability		implementing provisions thereof /Council regulations: No. 1992/2913			
27	Other		and No. 1993/2454/, Act LXXII of 2004 on the implementation of the Co			

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Hungary**

Date of Report: February, 2006

	Can information be provided on the following issues ?	YES		Remarks
1	Control lists - items (goods/ equipment/materials/technologies)	X	Control lists of NSG, AG, MTCR, ZC and WA are incorporated in the relevant national regulations. Lists are regularly updated	page 4 of the National Report
2	Control lists - other		EU Code of Conduct on arms exports (common military list), Government Decrees No. 16/2004 and No. 50/2004, EC Regulation 1334/200)	
3	Assistance offered	X	Hungary is ready to share its experiences of developing and maintaining effective controls over nuclear, biological, and chemical as well as dual-use goods and technologies	pages 15 -19 of the National Report
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	EU contribution to G 8 Global Partnership to enhance nuclear safety and security, chemical weapons destruction, re-employment of former scientists, export control and border security	relevant sections of the EU report
6	Information for industry	X	Trade licensing office undertakes regular visits to producers so that they understand relevant export controls. Close working relationship with industry established through government/industry committees, awareness raising seminars and workshops	page 12-14 and 15-19 of the National Report
7	Information for the public	X	Information is regularly disseminated through government websites, publications and leaflets. Government encourages and supports the inclusion of non-proliferation issues in curricula	pages 15-19 of the National Report

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